APPEAL NO. 012463
FILED NOVEMBER 27, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 18, 2001. The hearing officer held that the appellant (claimant) did not injure her left hip during her fall on _____, and that her avascular necrosis was not a natural result of the compensable injury. He found that the claimant did not prove any period of disability related to the compensable injury.

The claimant appeals and argues that the evidence supported her claim. The respondent (carrier) responds that the decision is correct.

DECISION

We affirm the decision.

The claimant sustained a compensable injury on _____, when she fell onto her left side. The claimant said she began to experience hip and buttock pain in January 1998; eventually, avascular necrosis in both hips was diagnosed and she had a total hip replacement surgery. The claimant testified that she missed some time after her slip-and-fall, but that she did not lose wages as a result. There is medical evidence supporting a link to her fall, but also medical opinion that the condition was degenerative and not caused by her fall.

The development of avascular necrosis involves matters beyond common experience, and medical evidence should be submitted which establishes the connection as a matter of reasonable medical probability, as opposed to a possibility, speculation, or guess. *See* Houston General Insurance Company v. Pegues, 514 S.W.2d 492 (Tex. Civ. App.-Texarkana 1974, writ ref'd n.r.e.); Schaefer v. Texas Employers' Insurance Association, 612 S.W.2d 199 (Tex. 1980); Texas Workers' Compensation Commission Appeal No. 92187, decided June 29, 1992; Texas Workers' Compensation Commission Appeal No. 93774, decided October 15, 1993. Chronology alone does not establish a causal connection between an accident and a later-diagnosed injury. Texas Workers' Compensation Commission Appeal No. 94231, decided April 8, 1994.

In this case, the hearing officer evidently considered that opinions favorable to the claimant presented no more than a guess or speculation about the possibility of a relationship to a fall nearly three years before hip symptoms were manifest. Because he did not find that this condition resulted from the compensable injury, he need not find that the resulting inability to work at wages equivalent to the preinjury average weekly wage constituted "disability" as defined in Section 401.011(16) of the 1989 Act.

The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision

should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.). The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ ref'd n.r.e.). We do not agree that this was the case here, and affirm the decision and order.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

C.T. CORPORATION SYSTEMS
350 N. ST. PAUL
DALLAS, TEXAS 75202.

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge